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# State v. Goodrich Respondent's Brief 1 Dckt. 44239

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	NO. 44239
Plaintiff-Respondent,	)	
	)	Ada County Case No.
v.	)	CR-2015-8425
	)	
BRADLEY CLYDE GOODRICH,	)	
	)	RESPONDENT'S BRIEF
Defendant-Appellant.	)	
_____	)	

Issue

Has Goodrich failed to establish that the district court abused its discretion by imposing concurrent unified sentences of 20 years, with five years fixed, for sexual battery of a minor child, and five years, with two years fixed, for possession of methamphetamine?

Goodrich Has Failed To Establish That The District Court Abused Its Sentencing Discretion

Goodrich pled guilty to sexual battery of a minor child and possession of methamphetamine and the district court imposed concurrent unified sentences of 20 years, with five years fixed, and five years, with two years fixed, respectively. (R.,

pp.183-87.) Goodrich filed a notice of appeal timely from the judgment of conviction. (R., pp.188-90.)

Goodrich asserts his sentences are excessive in light of his acceptance of responsibility and remorse, tragic childhood, and purported amenability to rehabilitation. (Appellant's brief, pp.4-8.) The record supports the sentences imposed.

The length of a sentence is reviewed under an abuse of discretion standard considering the defendant's entire sentence. State v. Oliver, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007) (citing State v. Strand, 137 Idaho 457, 460, 50 P.3d 472, 475 (2002); State v. Huffman, 144 Idaho 201, 159 P.3d 838 (2007)). It is presumed that the fixed portion of the sentence will be the defendant's probable term of confinement. Id. (citing State v. Trevino, 132 Idaho 888, 980 P.2d 552 (1999)). Where a sentence is within statutory limits, the appellant bears the burden of demonstrating that it is a clear abuse of discretion. State v. Baker, 136 Idaho 576, 577, 38 P.3d 614, 615 (2001) (citing State v. Lundquist, 134 Idaho 831, 11 P.3d 27 (2000)). To carry this burden the appellant must show that the sentence is excessive under any reasonable view of the facts. Baker, 136 Idaho at 577, 38 P.3d at 615. A sentence is reasonable, however, if it appears necessary to achieve the primary objective of protecting society or any of the related sentencing goals of deterrence, rehabilitation or retribution. Id.

The maximum prison sentence for sexual battery of a minor child is life, and for possession of methamphetamine, the maximum prison sentence is seven years. I.C. §§ 18-1508A, 37-2732(c)(1). The district court imposed unified sentences of 20 years, with five years fixed, for sexual battery of a minor child, and five years, with two years fixed, for possession of methamphetamine, both of which fall well within the statutory

guidelines. (R., pp.183-87.) At sentencing, the district court addressed the seriousness of the offenses, Goodrich's lack of sympathy for his victim, and Goodrich's lack of amenability to treatment. (4/25/16 Tr., p.44, L.11 - p.51, L.14.) The state submits that Goodrich has failed to establish an abuse of discretion, for reasons more fully set forth in the attached excerpt of the sentencing hearing transcript, which the state adopts as its argument on appeal. (Appendix A.)

### Conclusion

The state respectfully requests this Court to affirm Goodrich's convictions and sentences.

DATED this 18th day of November, 2016.

/s/ Lori A. Fleming  
LORI A. FLEMING  
Deputy Attorney General

ALICIA HYMAS  
Paralegal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 18th day of November, 2016, served a true and correct copy of the attached RESPONDENT'S BRIEF by emailing an electronic copy to:

BRIAN R. DICKSON  
DEPUTY STATE APPELLATE PUBLIC DEFENDER

at the following email address: [briefs@sapd.state.id.us](mailto:briefs@sapd.state.id.us).

\_\_\_\_\_  
/s/ Lori A. Fleming  
LORI A. FLEMING  
Deputy Attorney General

## APPENDIX A

<p style="text-align: right;">43</p> <p>1 THE COURT: Okay. Thank you.  2 Mr. Goodrich?  3 THE DEFENDANT: Yes, sir.  4 THE COURT: In some respects -- and I did  5 read the presentence report. I guess I will start  6 there. And I did read the accounts of your early  7 childhood, the struggles that you faced, the  8 issues that you had, your mother's -- basically  9 killed your stepfather who was the father to you,  10 I mean, when you were growing up. It was like  11 your mother shooting your dad. That had to have  12 been a horrible experience.  13 And then you ran off to California and  14 did what, I guess, some runaways do. I am not  15 sure what all happened there, but certainly it  16 wasn't good for you, as your lawyer recounts. You  17 did come back. Your mother did her best at that  18 point, I think, to try and get you back into the  19 straight and narrow. So you had a rough  20 beginning.  21 Then I also note, as your attorney  22 points out, that you had a number of years, 16 or  23 17 years, of -- I mean, in your youth you were  24 constantly in contact with the law for one reason  25 or another. Then you had a period where you</p>	<p style="text-align: right;">44</p> <p>1 appeared to grow up. You got married, had a  2 child, went to work, paid your bills. Obviously  3 you didn't behave the best during the course of  4 your divorce. That got you in more trouble with  5 the law. But once that was done, your record was  6 more or less clean. I took note of all of that.  7 And then you had the injury and the  8 fights with the bureaucracy to get your disability  9 and all of that starting you into pain pills and  10 drugs.  11 I have taken all of that into account.  12 But I also take into account that you, using drugs  13 or not, were the only thing resembling an adult.  14 Frankly, much of your version of what happened is  15 not credible, the notion that, "Gee whiz, just  16 once did I have sex with that child, and that was  17 really initiated by her, and my bad was not  18 stopping it and letting it finish. But that was  19 the only time."  20 You were living together as husband and  21 wife in your mother's house, lying to your mother  22 and your stepfather about her age and your  23 relationship. You told her mother that she was --  24 you told your mother that she was 22, and the two  25 of you were married in Nevada. And you knew very</p>
<p style="text-align: right;">45</p> <p>1 well that wasn't true because I give credence to  2 the victim's father's statement that you were at  3 their house. The fact you even agreed you were  4 introduced to this young woman -- young woman? --  5 this child by your son.  6 I also agree that you were probably in  7 a drug-induced haze for a good portion of this.  8 That doesn't excuse this in any fashion. What you  9 did was reprehensible. You took a troubled  10 runaway that you knew was a troubled runaway and  11 helped her hide from the authorities, her  12 probation officer, her father. She may well have  13 been using drugs with you, but you were certainly  14 facilitating that.  15 I agree that probably there is an  16 element of exaggeration in her story about her  17 statements. What she did and her part in it,  18 that, when she decided when she was in custody  19 that she no longer wanted to be romantically  20 involved with you and save her own skin, there was  21 probably some exaggeration in the stories that she  22 told.  23 But I still believe, fundamentally, at  24 their core they were true. I don't know which of  25 the details she exaggerated. You know, you do the</p>	<p style="text-align: right;">46</p> <p>1 math. Having sex 500 times in a month is almost  2 beyond my comprehension that, if you do the  3 arithmetic, that it could happen that far. But  4 the fact that there was an exaggeration in the  5 number doesn't lessen the fact that I think that  6 you repeatedly took advantage of this also  7 drug-hazed woman. I keep say saying "woman." She  8 not was not a woman; she was a child. She may  9 have pretended to be a woman, she may have acted  10 like it, may have talked like that's what she  11 wanted. But she was a troubled child, and you  12 have now made her life -- I don't know whether  13 it's recoverable or not.  14 I preside over a drug court where I  15 deal with the leftover trauma from children who  16 are victims of various and sundry types. I also  17 deal with them as defendants on a regular basis.  18 The women that appear in my courtroom, having  19 committed various crimes, typically they were drug  20 possession crimes, but also others -- thefts,  21 child neglect, you name it. And not always, but  22 frequently, there is in their background trauma  23 associated with being violated when they were  24 young. And some of them never get over it. Some  25 of them never have the opportunity.</p>

<p style="text-align: center;">47</p> <p>1 I don't know what's in store for this  2 young person. She has got her own demons to face.  3 That's for another judge on another day. But to  4 somehow suggest that she seduced you -- and I  5 noted, Mr. Goodrich, when you were speaking to me,  6 you were focused on the fact that you were going  7 to take responsibility and step up and do your  8 time and then get on with your life. I heard not  9 one word of sympathy for the victim.  10 As does Mr. DeFranco, I have said  11 before -- I will say again -- I do also believe in  12 redemption, that people can make something of  13 themselves. You are, in part, proof of that given  14 your early start and then how you behaved for most  15 of your adult life until you did this. And it is  16 for that reason I'm not giving you a longer  17 sentence than I do. I could send you to prison  18 for life. And if I thought this was going to be  19 your pattern for the rest of your life, that's  20 what I would do. But I do think that there is  21 some -- oh, on the other hand, I looked at your  22 behavior while you were on pretrial release. I  23 look at the extent of your denial of  24 responsibility to both the presentence  25 investigator and to Dr. Johnston. And you are not</p>	<p style="text-align: center;">48</p> <p>1 a candidate for probation, certainly, in any  2 fashion. And, frankly, I don't think that a rider  3 is appropriate here. I do think in this case that  4 it would depreciate the seriousness of the crime  5 that was committed here, the repeated taking  6 advantage of a drug-addicted 16-year-old and then  7 denying it or denying -- essentially denying  8 responsibility for it.  9 So it is the judgment and sentence of  10 this Court that you will be committed to the  11 Department of Correction for a period of, on  12 Count I, 20 years with five fixed and 15  13 indeterminate; on Count V, seven years with -- on  14 Count V for five years with two fixed and three  15 indeterminate, that being my usual sentence for  16 someone on -- facing possession charges which is  17 what Count V is. Those sentences are to run  18 concurrently.  19 You will be required to submit a DNA  20 sample and right thumbprint impression to the  21 Idaho database. You will be responsible for costs  22 of the court. I am not going to require payment  23 of any fine. You have limited financial  24 resources. I don't expect, following a period of  25 custody, that your resources will improve given</p>
<p style="text-align: center;">49</p> <p>1 the disability that you are under; therefore, I  2 don't think it's appropriate to impose a fine.  3 I did not hear a restitution request  4 from the State. Was there none?  5 MS. SLAVEN: I did provide the Court with an  6 order, and Mr. DeFranco did not object to it.  7 THE COURT: Oh, I'm sorry. I take that  8 back. I was focused on the no-contact order.  9 I will order restitution in the amount  10 of \$545 as requested by the State, that being a  11 relatively modest sum for drug prosecution, and  12 the balance being for the testing of the  13 substances in this case.  14 I guess there is no restitution  15 requested on behalf of the victim?  16 MS. SLAVEN: That's correct.  17 THE COURT: I am going to enter -- have  18 entered, will enter, the no-contact order as  19 requested to run for the entire length of the  20 sentence. The defendant will be required to  21 register as a sex offender. Defendant is -- there  22 will be no fine.  23 Have I overlooked anything, Ms. Slaven?  24 MS. SLAVEN: No, Your Honor. Thank you.  25 THE COURT: Questions?</p>	<p style="text-align: center;">50</p> <p>1 MR. DeFRANCO: Your Honor, did you order  2 that those sentences would run concurrently?  3 THE COURT: I will order they are  4 concurrent, yes. I believe I ordered that, but if  5 I didn't, I intended to. Sentences will be run  6 concurrent.  7 MR. DeFRANCO: And the Court will provide  8 credit for time served?  9 THE COURT: Credit for time served, by my  10 calculation, which will be reflected in the  11 judgment, is 155 days. If there is an error in  12 that, if someone brings it to my attention, I'm  13 happy to correct it. But that -- that credit for  14 time served is calculated based upon eight days  15 initial time in custody up until the defendant was  16 rearrested on December 1st and 147 days since  17 then.  18 That is the judgment and sentence of  19 this Court. You're entitled to appeal any final  20 judgment of this Court to the Idaho Supreme Court.  21 That appeal must be taken within 42 days of the  22 date of the entry of the judgment. You are  23 entitled to be represented by an attorney on any  24 such appeal. If you cannot afford one, one will  25 be appointed to represent you at public expense,</p>



1 and your costs on appeal will be paid if you are  
2 an indigent person.

3         Mr. Goodrich, the primary focus of this  
4 sentence was punishment for the bad behavior that  
5 occurred here. I don't want you to take it as a  
6 thought that I don't think that you're not capable  
7 of, at some point, reforming yourself and becoming  
8 a -- once again becoming a law-abiding citizen.  
9 But the conduct here is -- It also reflects, I  
10 think, the necessity of the fact that you are not  
11 amenable at this time to treatment in the  
12 community. But even if you were, given the nature  
13 of this case, I don't believe that that would be  
14 appropriate.

15         If there are no further questions, we  
16 will be in recess.

17         (End of proceeding.)  
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